



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 04364-99
23 November 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED], SC, USN [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 23 Jun 99 w/attachments
(2) PERS-311 memo dtd 8 Sep 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the original fitness report for 1 February 1998 to 1 October 1998, together with a letter transmitting a supplemental report for the same period, so that the supplemental report will be the only report in the record for this period. Copies of the original report, the letter of transmittal and the supplemental report are at Tabs A, B, and C respectively.

2. The Board, consisting of Messrs. Ensley, Morgan and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 12 November 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over fitness report matters has commented to the effect that Petitioner's request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following original fitness report and related material, including the transmittal letter dated 19 April 1999, leaving in the record the supplemental report covering the same period:

Date of Report	Reporting Senior	Period From	of Report To
98Dec30	[REDACTED] USN	98Feb01	98Oct01

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

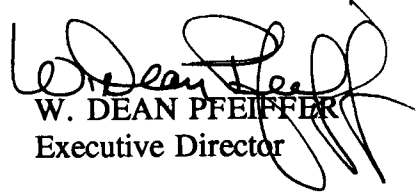
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

4364-96

1610
PERS-311
8 September 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 February 1998 to 1 October 1998 leaving in his record a supplemental fitness report for the same period.

2. Based on our review of the material provided, we find the following:

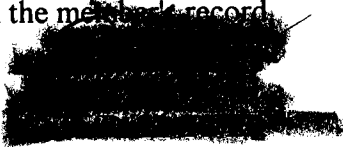
a. A review of the member's headquarters record revealed the report in question to be on file with the supplemental fitness report and cover letter. The original report is an unsigned advance copy as the member had already transferred. The original fitness report was an adverse report and forwarded to the member on 30 December 1998 for his signature and to make a statement if he desired. PERS-311 has not received his statement, but the member provided an original signed copy with his petition. However, the statement is unacceptable for file due to the reporting senior's endorsement missing.

b. The supplemental fitness report upgrades several performance trait marks, and changes block-41, "Comments on Performance". The member's promotion recommendation was changed from "Promotable" to "Early Promote".

c. The reporting senior submitted the supplemental fitness report with the required cover letter in accordance with reference (a), Annex P. The reporting senior's cover letter states the supplemental fitness report was submitted to correct omissions from previous fitness report and to adequately reflect performance.

d. The member proves the report to be unjust or in error.

3. We recommend the removal of the original fitness report and supplemental cover letter leaving the supplemental fitness report in the member's record.



Head, Performance
Evaluation Branch